

State of Deepfake Legislation

2024 Annual Report



Executive Summary

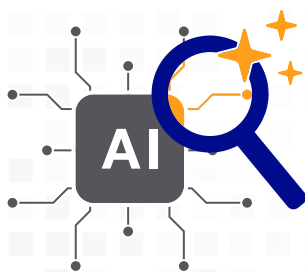
This report, published upon the launch of [Ballotpedia's Artificial Intelligence Deepfake Legislation Tracker](#), presents our analysis of the current status of legislation addressing deepfake technology in state legislatures across the country and surveys historical trends in this policy area.

Deepfakes are videos, images, or audio files that have been generated or manipulated by artificial intelligence in order to realistically portray something that did not actually occur. According to the U.S. Government Accountability Office, “Deepfakes rely on artificial neural networks, which are computer systems modeled loosely on the human brain that recognize patterns in data. Developing a deepfake photo or video typically involves feeding hundreds or thousands of images into the artificial neural network, ‘training’ it to identify and reconstruct patterns—usually faces.”¹

Public policy organizations, lawmakers, and journalists have expressed concerns related to the use of deepfake technology, including the proliferation of child sexual abuse material and other nonconsensual sexual content, the distribution of deceptive political communications and election disinformation, property rights infringement, harassment, fraud, and threats to national security.^{2,3,4,5,6,7,8}

Policy approaches vary as lawmakers and advocates balance concerns about deepfakes with First Amendment free speech considerations and beneficial uses of the technology.^{1,9,10} The Foundation for Individual Rights and Expression, which says its mission is to “defend and sustain the individual rights of all Americans to free speech and free thought,” writes, “Any government restriction on the expressive use of AI needs to be narrowly tailored to serve a compelling governmental purpose, and the regulation must restrict as little expression as is necessary to achieve that purpose.”¹¹

The legislative activity in this report is current through June 21, 2024.



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Artificial Intelligence Deepfake Legislation Tracker

¹ U.S. Government Accountability Office, “Science & Tech Spotlight: Deepfakes,” February 2020

² *The New York Times*, “Teen Girls Confront an Epidemic of Deepfake Nudes in Schools,” April 8, 2024

³ *AP News*, “FEC moves toward potentially regulating AI deepfakes in campaign ads,” August 10, 2023

⁴ *Brennan Center for Justice*, “Regulating AI Deepfakes and Synthetic Media in the Political Arena,” December 5, 2023

⁵ *NBC News*, “States turn their attention to regulating AI and deepfakes as 2024 kicks off,” January 25, 2024

⁶ *AP News*, “What to know about how lawmakers are addressing deepfakes like the ones that victimized Taylor Swift,” January 31, 2024

⁷ *MultiState*, “More and More States Are Enacting Laws Addressing AI Deepfakes,” April 5, 2024

⁸ *Regulations.gov*, “Comment on FR Doc # 2023-28232,” January 31, 2024

⁹ *ACLU of Georgia*, “Press Statement: ACLU of Georgia Opposes Bill Criminalizing ‘Deep Fakes’ about Election Candidates,” January 29, 2024

¹⁰ *Courthouse News Service*, “Free speech implications surface as experts urge Senate to regulate deepfakes,” April 30, 2024

¹¹ *Foundation for Individual Rights and Expression*, “Artificial intelligence, free speech, and the First Amendment,” accessed May 30, 2024

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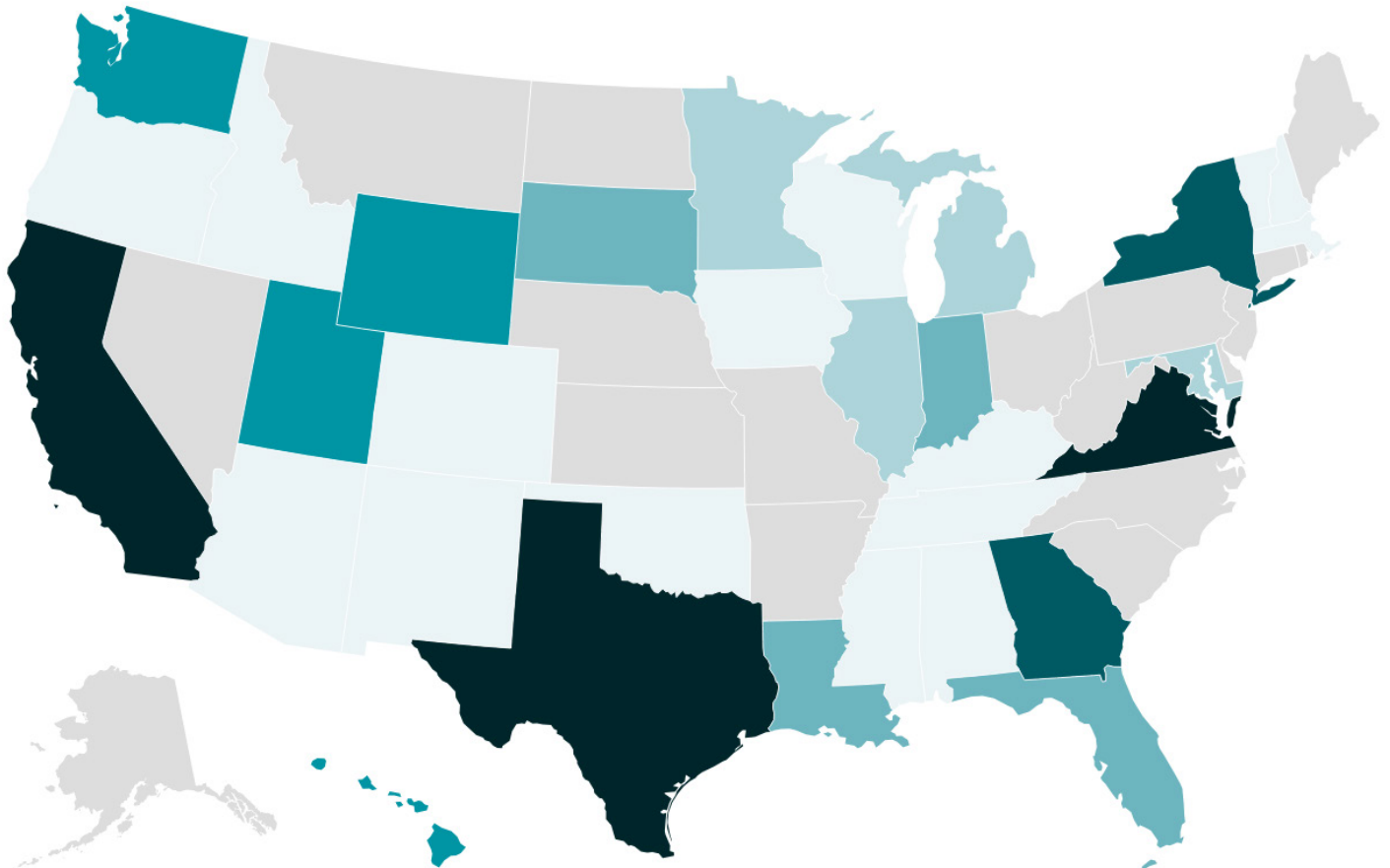
By the numbers

Deepfake-related bills	2024	2019 – 2024
Enacted	47	78
Enacted by Democratic trifectas	11	27
Enacted by Republican trifectas	29	39
Enacted by divided governments	7	12
Enacted with Democratic sponsorship	6	20
Enacted with Republican sponsorship	15	18
Enacted with Bipartisan sponsorship	22	36
Vetoed	4	4

States that have enacted deepfake laws, 2019-2024

Year first deepfake law enacted:

2019 2020 2021 2022 2023 2024

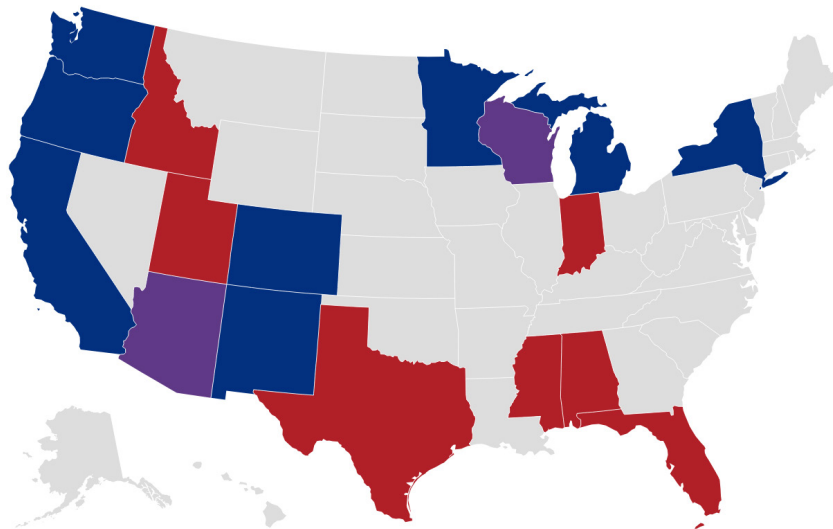


Current deepfake policy across the U.S.

Political communications

As of June 21, 2024, 17 states had enacted laws related to political deepfakes. In 10 of those states, the law applies to political materials distributed within a certain number of days before an election.

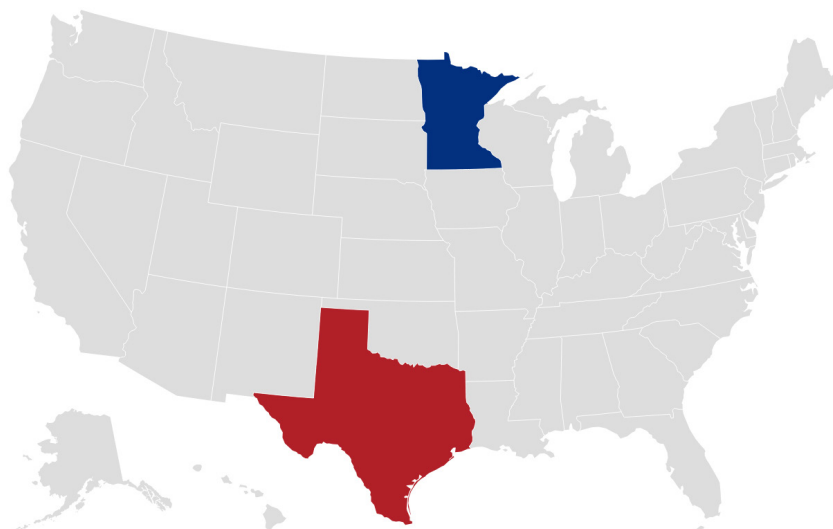
States that have enacted laws related to political deepfakes, 2019-2024



States are shaded to indicate the trifecta status at the time the first relevant law was enacted.

In all but two states that have passed laws related to political deepfakes, the law makes an exception for materials containing a disclosure statement, with varying degrees of specificity regarding what that statement must say and how it must be presented.

States that have enacted political deepfake bans without disclosure exceptions



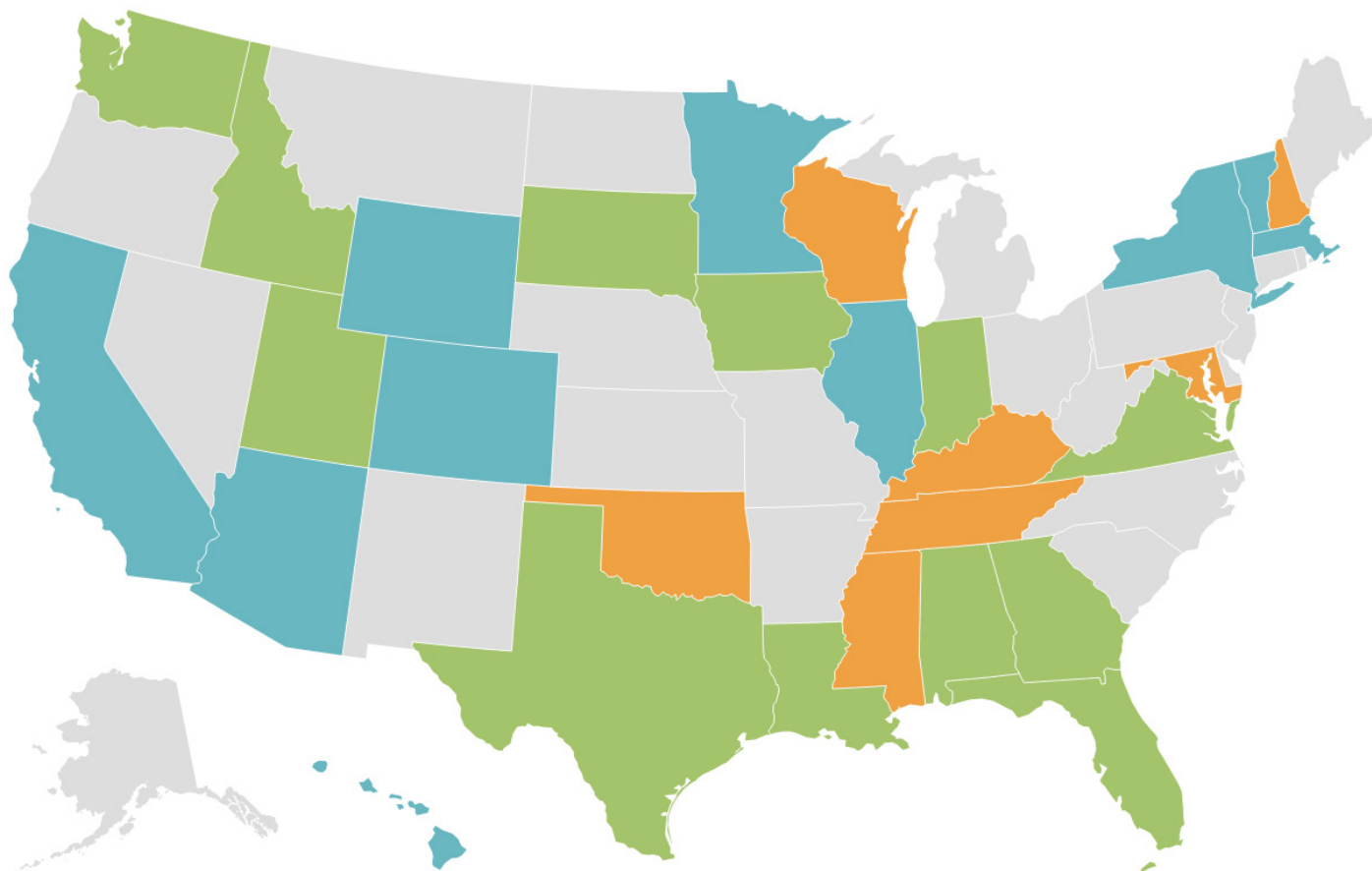
States are shaded to indicate the trifecta status at the time the law was enacted.

Pornographic materials

As of June 21, 29 states had enacted laws related to pornographic deepfakes. Some of those laws specifically address the creation and distribution of child sexual abuse material, while others address the nonconsensual creation and distribution of adult intimate images. Twelve states have passed laws addressing both.

States that have enacted laws related to pornographic deepfakes, 2019-2024

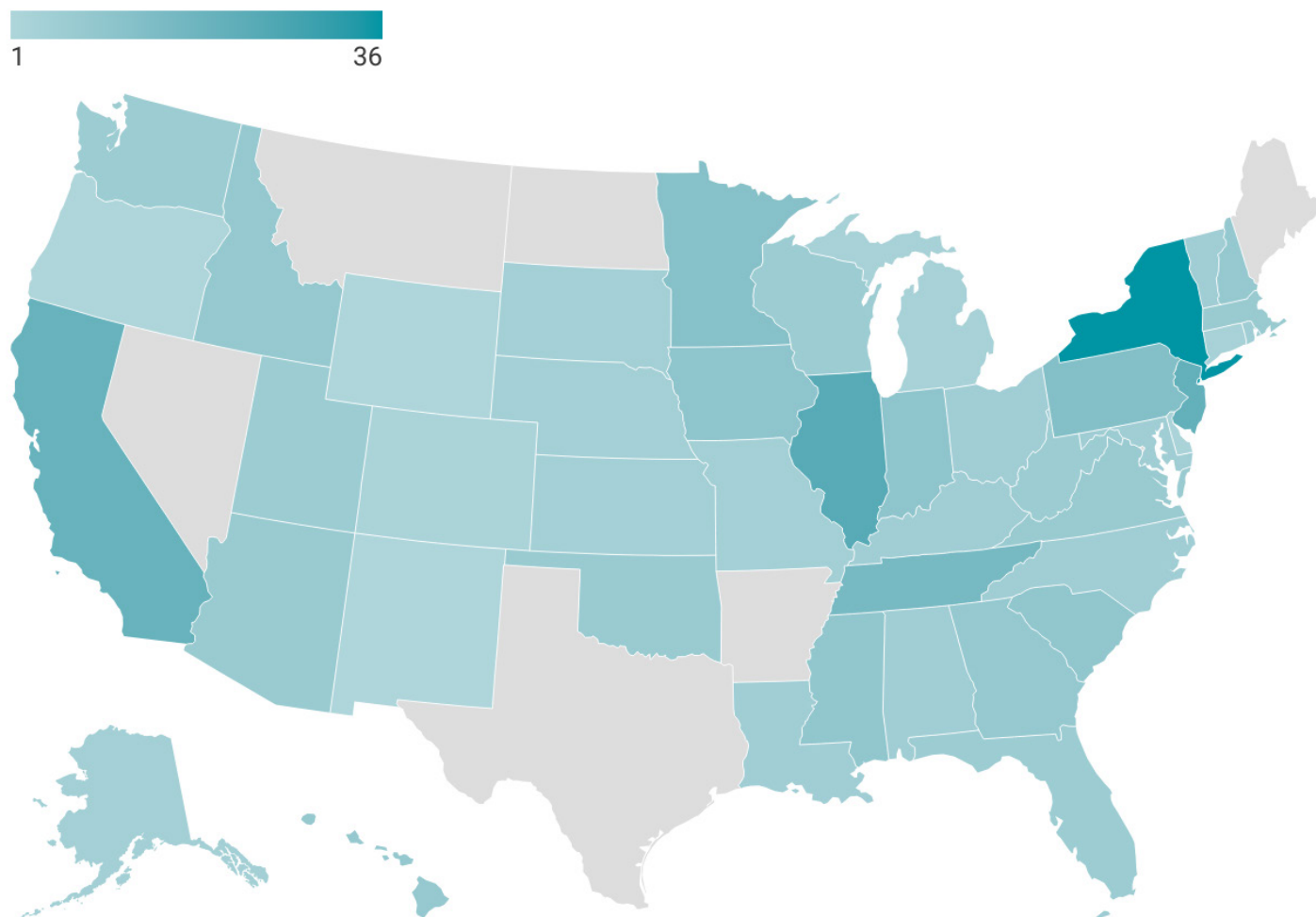
- Laws addressing pornographic material
- Laws addressing child sexual abuse material
- Laws addressing both



Legislative activity in 2024

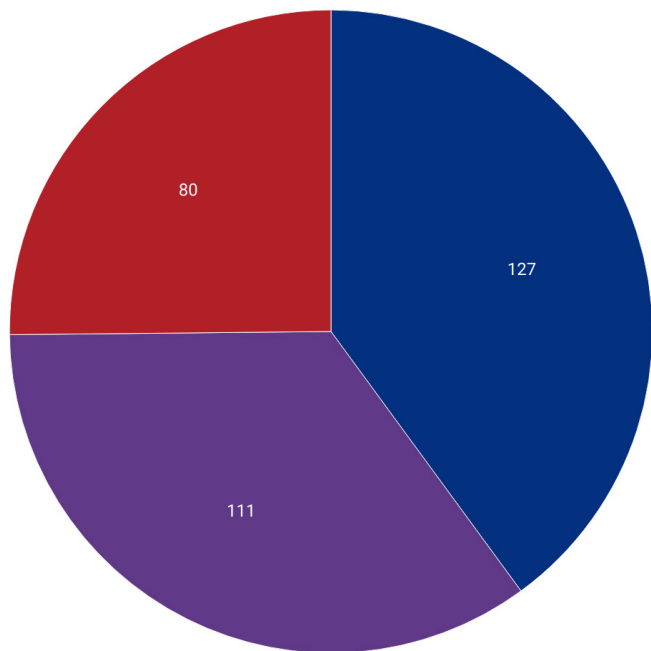
Forty-four states introduced or carried over bills related to deepfakes in 2024, with the most—36—in New York. Legislatures in Montana, Nevada, North Dakota, and Texas meet in odd-numbered years.

States that introduced or carried over deepfake bills in 2024



Democrat-sponsored bills comprise a majority of the deepfake-related bills introduced in or carried over to 2024 legislative sessions (127), followed by bipartisan-sponsored bills (111), and then Republican-sponsored bills (80).

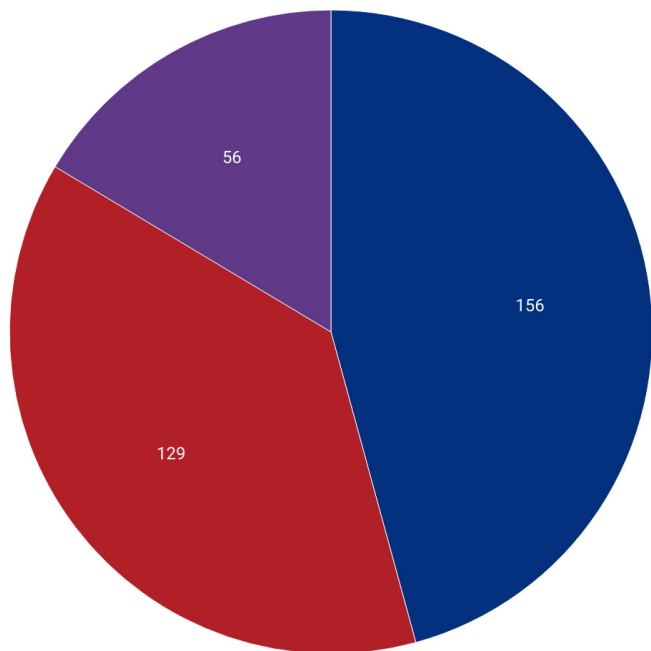
2024 deepfake bills by party of sponsor(s)



Includes bills introduced in or carried over to 2024 legislative sessions. Does not include bills introduced by committee.

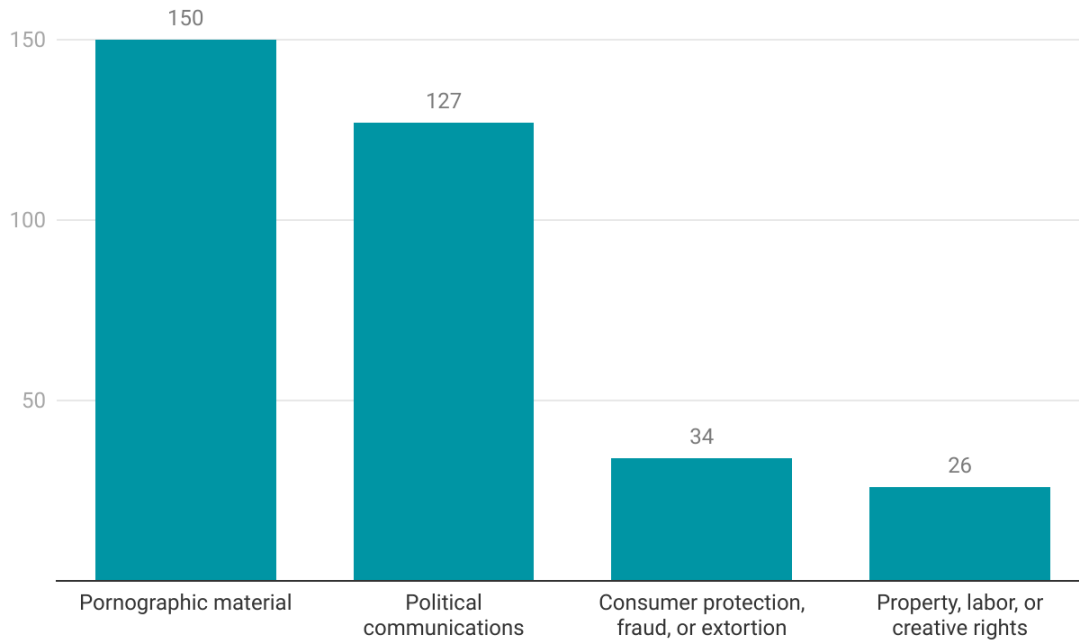
Forty-six percent of deepfake-related bills introduced in or carried over to 2024 legislative sessions were introduced in Democratic trifecta states, 38% were introduced in Republican trifecta states, and 16% were introduced in states with divided governments.

2024 deepfake bills by state trifecta status

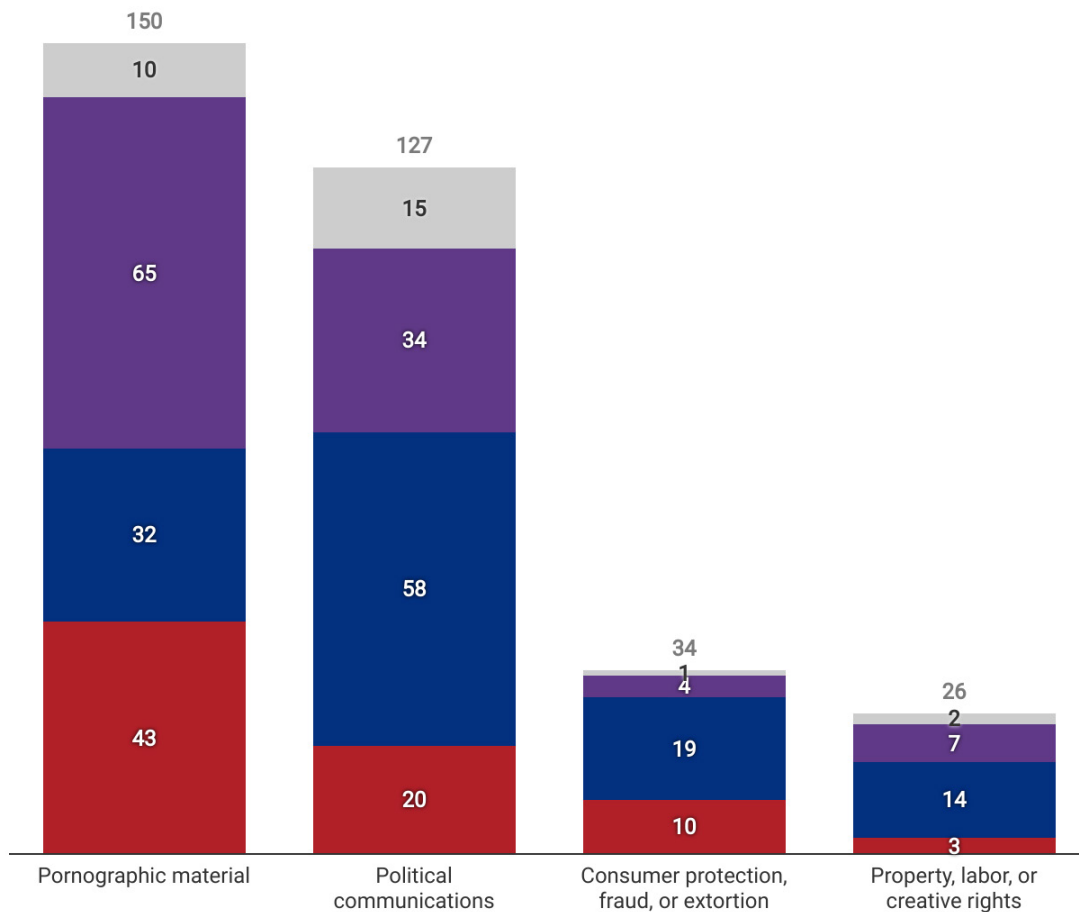


Includes bills introduced in or carried over to 2024 legislative sessions.

The following chart shows the four most common topics of deepfake-related bills introduced in or carried over to 2024.

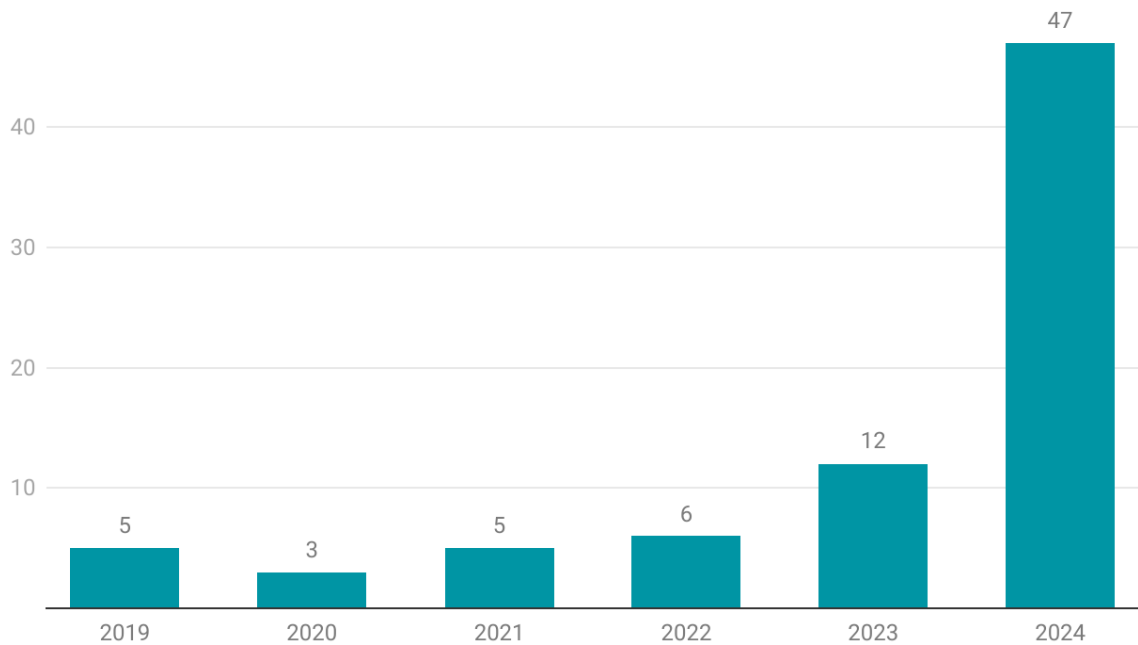


The following chart breaks those topics down by the party affiliation of the bills' sponsor(s):

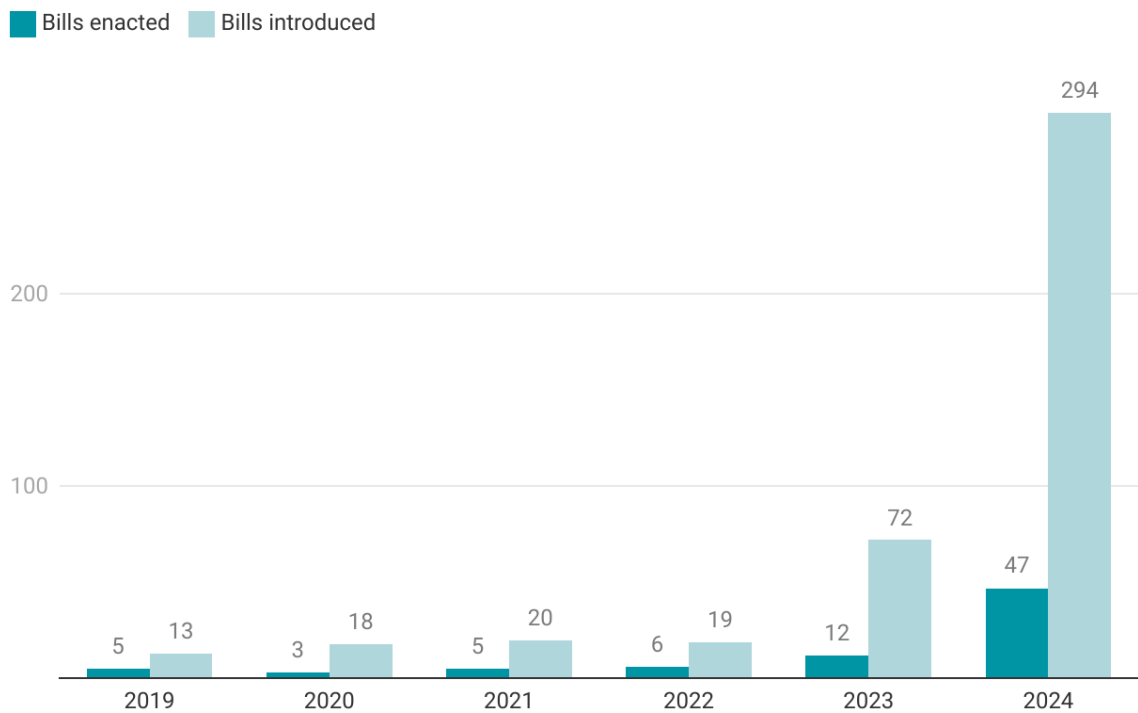


Trends in deepfake legislation: 2019 – 2024

The chart below shows the number of deepfake-related bills enacted between 2019 and 2024. Sixty percent of the bills enacted since 2019 were enacted in 2024.



The following chart shows the number of deepfake-related bills introduced between 2019 and 2024, with 67% of those bills introduced in 2024.



Methodology

Ballotpedia’s comprehensive Artificial Intelligence Deepfake Legislation Tracker is the basis for the data and analysis in this report. The tracker houses information about deepfake-related bills introduced in state legislatures across the U.S. and provides real-time progress updates. To populate and maintain our tracker, we use:

- **Automated keyword searches**
- **Manual bill review**
- **Real-time refinements based on keyword results and news monitoring**

Once relevant bills are identified and added to the tracker, our team reviews and categorizes each bill, allowing us to track policy changes and analyze trends in deepfake legislation.

Bill categorizing is not an exact science. For example, a bill tagged criminal penalties may establish new criminal penalties, it may amend a law to apply existing criminal penalties to deepfake-related offenses, or it may allow the use of deepfakes to be considered an aggravating factor. Likewise, overlapping categories and bills addressing multiple policy areas mean that percentages may add up to more than 100%. See the next page for a list of our bill categories.

Scope

While U.S. Senators considered three bills specifically mentioning deepfakes in 2018, state legislators first introduced bills using that term in 2019. The National Conference of State Legislatures and MultiState both identify 2019 as the year the first states enacted bills addressing deepfake pornography.^{12,13}

However, legislation referring to computer-generated images and other similar phrases—i.e., language that is often used in today’s bills addressing deepfakes—pre-date the popularization of artificial intelligence technologies. In 1996, President Bill Clinton (D) signed the [Child Pornography Prevention Act](#), which includes in its definition of child pornography any “computer-generated image or picture ... [that] is, or appears to be, of a minor engaging in sexually explicit conduct.” In 2002, the U.S. Supreme Court found provisions of this law overbroad in [Ashcroft v. Free Speech Coalition](#). In 2003, President George W. Bush (R) signed the [PROTECT Act](#), which amended USC Title 18, Section 2256 to define child pornography as including any “computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct.” States have passed laws with similar language going back to the 1990s. Because of this, our tracker (and this report) only include bills with such language introduced since 2019.

¹² NCSL, “Deceptive Audio or Visual Media (‘Deepfakes’) 2024 Legislation,” May 7, 2024

¹³ MultiState, “Combating Sexual Deepfakes,” archived May 31, 2024

Deepfake bill category definitions

Once bills are added to the tracker, we tag each bill with one or more of the categories below. To view bills in each category, use the drop-down topic menu [here](#).

Political communications: Any bill concerning the use of deepfakes in political communications, such as campaign advertisements.

- **Political deepfake ban:** Any bill prohibiting the distribution of political deepfakes.
- **Pre-election political deepfake ban:** Any bill prohibiting the distribution of political deepfakes during a certain time period before an election.
- **Political deepfake ban with disclosure exception:** Any bill requiring political deepfakes to include a disclosure in order to be distributed legally.

Pornographic material: Any bill concerning the creation or distribution of deepfakes that depict explicit sexual acts or other sensitive content.

- **Child sexual abuse material:** Any bill concerning the creation or distribution of deepfakes that depict child sexual abuse or other sensitive content involving minors.

Consumer protection, fraud, or extortion: Any bill concerning consumer protections related to deepfakes or the use of deepfakes to commit fraud or extortion.

Property, labor, or creative rights: Any bill concerning the infringement of deepfakes upon property rights, labor rights, or creative rights.

Defamation: Any bill concerning deepfakes used in a defamatory manner.

Tech entity regulation: Any bill establishing or modifying regulations on companies or individuals that provide software for creating deepfakes, or on online platforms where deepfakes are shared.

- **Watermark requirement:** Any bill establishing or modifying a requirement for deepfake materials to include an embedded watermark or other digital provenance feature.

Evidence authenticity: Any bill concerning the use of deepfake technology to create inauthentic evidence in the realm of law enforcement.

Public education programs or requirements: Any bill creating or modifying programs or requirements for public education systems, schools, or teachers related to deepfakes.

Resolution: A legislative resolution related to deepfakes.

Study: Any bill that commissions a study or report, or establishes a task force or working group, related to deepfakes.

Private cause of action: Any bill establishing or modifying a private cause of action related to the creation or distribution of deepfakes.

Civil penalties: Any bill establishing or modifying civil penalties related to the creation or distribution of deepfakes.

Criminal penalties: Any bill establishing or modifying criminal penalties related to the creation or distribution of deepfakes.

Communication service provider immunity: Any bill stipulating that communication service providers are not liable for illegal deepfakes distributed on their platforms.

Satire or parody exception: Any bill making an explicit exception for satire or parody uses of deepfakes.